

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-09 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12 T-03

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R 091200 Z MAR 73

FM USMISSION BERLIN

TO AMEMBASSY BONN

SECSTATE WASHDC 1505

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L BERLIN 0420

E9 O. 11652: GDS

TAGS: PGOV, WB, GE

SUBJECT: DRAFT BK/ L ON SENAT- GDR AGREEMENTS

REF: BERLIN A-25, FEBRUARY 5, 1973

1. ALLIED MISSIONS HAVE DEVELOPED DRAFT BK/ L TO COVER NEGOTIATION AND CONCLUSION OF ARRANGEMENTS BETWEEN WEST BERLIN AND EAST GERMAN AUTHORITIES, TEXT OF WHICH IS CONTAINED PARA 3. WE FAVOR EXPEDITIOUS ACTION ON THIS PROJECT IN VIEW OF CONSIDERATION BEING GIVEN BY SENAT TO SOME SORT OF FURTHER EXCHANGE OF LETTERS WITH GDR ON GROSS ZIETHEN REFUSE DUMPING AREA. WHILE ALLIES ARE AGREED THAT THIS MATTER, WHICH WAS LEFT OUT OF ORIGINAL SENAT- GDR AGREEMENT, SHOULD, IF AT ALL POSSIBLE, BE RESOLVED ON THE TECHNICAL LEVEL BETWEEN THE TWO FIRMS INVOLVED, BERLIN-CONSULT AND BERGBAU- HANDEL, IT IS RECOGNIZED THAT THIS MAY NOT BE POSSIBLE. WE, THEREFORE, FEEL THAT GENERAL FRAMEWORK REGULATING ALLIED SUPERVISION AND APPROVAL OF ANY ARRANGEMENTS MADE DIRECTLY BETWEEN SENAT AND

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GDR SHOULD BE AGREED BEFORE ALLIES CONSIDER FURTHER SPECIFIC CASES.

2. SCOPE OF DRAFT BK/ L HAS BEEN EXPANDED TO INCLUDE NOT ONLY DIRECT SENAT- GDR ARRANGEMENTS BUT ALSO NEGOTIATIONS BETWEEN WEST BERLIN PRIVATE BODIES PERFORMING PUBLIC OR QUASI- PUBLIC FUNCTIONS AND EAST GERMAN AUTHORITIES, SINCE WE ARE AWARE THAT SENAT IS GIVING THOUGHT TO CONDUCTING ADDITIONAL NEGOTIATIONS, E. G., IN REGARD TO ENERGY, THROUGH A " PRIVATE" FIRM CREATED FOR PURPOSE, AND EXPERIENCE WITH REFUSE AGREEMENT HAS DEMONSTRATED NEED FOR SENAT SUPERVISION OF SUCH NEGOTIATIONS AND FOR SYSTEM OF KEEPING ALLIES INFORMED.

3. TEXT OF DRAFT BK/ L FOLLOWS: BEGIN TEXT.

SUBJECT: NEGOTIATION AND CONCLUSION OF ARRANGEMENTS WITH EAST GERMAN AUTHORITIES.

TO: THE GOVERNING MAYOR, BERLIN

DEAR MR. GOVERNING MAYOR,

1. INASMUCH AS IT IS NOW POSSIBLE, FOLLOWING THE CONCLUSION OF THE QUADRIPARTITE AGREEMENT AND THE BASIC TREATY, TO ENVISAGE THE RESOLUTION OF VARIOUS LOCAL TECHNICAL ADMINISTRATIVE QUESTIONS, THE ALLIED KOMMANDATURA BELIEVES THAT IT IS DESIRABLE TO CLARIFY THE CONDITIONS UNDER WHICH ARRANGEMENTS BETWEEN THE APPROPRIATE AUTHORITIES IN THE WESTERN SECTORS OF BERLIN AND EAST GERMAN AUTHORITIES MAY BE NEGOTIATED AND CONCLUDED.

2. THE ALLIED KOMMANDATURA REQUESTS THE SENAT TO INFORM IT AT THE EARLIEST OPPORTUNITY OF ALL CONTACTS BETWEEN THE SENAT AND EAST GERMAN AUTHORITIES, GENERALLY IN ADVANCE THEREOF, AND TO PROVIDE IT WITH AN ACCOUNT AS SOON THEREAFTER AS POSSIBLE. FURTHERMORE, SINCE NEGOTIATIONS BETWEEN PRIVATE ORGANIZATIONS THAT PERFORM PUBLIC OR QUASI- PUBLIC FUNCTIONS IN THE WESTERN SECTORS OF BERLIN AND EAST GERMAN AUTHORITIES MAY HAVE SUBSTANTIAL PUBLIC SIGNIFICANCE, THE SENAT SHOULD ACQUAINT THE ALLIED KOMMANDATURA WITH SUCH NEGOTIATIONS AT CONFIDENTIAL

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THE EARLIEST OPPORTUNITY.

3. AUTHORIZATION OF THE ALLIED KOMMANDATURA WILL BE REQUIRED IN EACH CASE FOR THE NEGOTIATION AND CONCLUSION OF ARRANGEMENTS BETWEEN THE SENAT OF BERLIN OR OTHER OFFICIALS OF THE WESTERN SECTORS AND EAST GERMAN AUTHORITIES. IN ALL CASES WHERE THE NEGOTIATION AND CONCLUSION OF ARRANGEMENTS BETWEEN A PRIVATE ORGANIZATION PERFORMING PUBLIC OR QUASI- PUBLIC FUNCTIONS IN THE WESTERN SECTORS OF BERLIN AND EAST GERMAN AUTHORITIES WOULD HAVE SUBSTANTIAL PUBLIC SIGNIFICANCE, THE SENAT SHOULD ENSURE THAT THE VIEWS OF THE ALLIED KOMMANDATURA WILL BE TAKEN INTO ACCOUNT.

YOURS SINCERELY,
CHAIRMAN DEPUTY COMMANDANT

END TEXT.

4. BEFORE FORMALLY AGREEING TO DRAFT FOR REFERAL TO THREE EMBASSIES BONN, AND TO THE SENAT, WE WOULD APPRECIATE VIEWS OF EMBASSY AND DEPARTMENT. KLEIN

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NMAFVVZCZ

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